

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG PHILIPS LCD CO., LTD., :
 :
 Plaintiff, :
 :
 v. : C.A. No. 04-343-JJF
 :
 TATUNG COMPANY, TATUNG :
 COMPANY OF AMERICA, INC., and :
 VIEWSONIC CORPORATION, :
 :
 Defendants. :

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under
Fed. R. Civ. P. 26(f),

IT IS ORDERED THAT:

1. **Pre-Discovery Disclosures.** The parties will
exchange by **July 29, 2005** the information required by Fed. R.
Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join
other parties shall be filed on or before **January 17, 2006**.

3. **Settlement Procedure.** Pursuant to 28 U.S.C. § 636,
this matter is referred to Magistrate Judge Thyng for the
purposes of exploring the possibility of a settlement.

4. **Discovery.**

(a) Exchange and completion of contention
interrogatories, identification of fact witnesses and document
production shall be commenced so as to be completed by **June 30,**

2006.

(b) Maximum of **40** interrogatories, including contention interrogatories, for each side.

(c) Maximum of **50** requests for admission by each side, other than for authenticity of documents.

(d) Maximum of **84** hours of examination by Plaintiff of fact witnesses, excluding expert depositions, unless otherwise agreed in writing by the parties or ordered by the Court. Defendants combined shall be limited to **140** hours of examination of fact witnesses, excluding expert depositions. No fact witness or designee under Rule 30(b)(6) for whom English is their first language shall be deposed for more than 10.5 hours. Notwithstanding the foregoing limitations, the inventors of the patents-in-suit may be deposed for up to 21 hours total, which shall be consecutive.

(e) Depositions may commence after the discovery required by Paragraph 3(a, b and c) is completed, or June 1, 2006 (whichever is earlier) and shall be completed by **November 17, 2006**. The limits on the number, length, and timing of non-expert depositions may be modified by agreement of the parties or by Order of the Court, for good cause.

(f) Discovery previously conducted by the parties shall not count against any limits on discovery imposed above or under the Federal or Local rules of procedure.

(g) The Temporary Protective Order previously entered is adopted as the Protective Order in this action. Any party may move to amend said Protective Order.

5. Experts.

(a) Reports from experts required by Fed. R. Civ. P. 26(a)(2) on any issue on which the party bears the burden of proof shall be served within 30 days after the court issues its Markman ruling; rebuttal reports an/or reports on issues on which the party does not bear the burden of proof shall be served within 45 days after the service of the opening expert reports.

(b) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.

6. Discovery Disputes. By Order dated February 25, 2005, the Court appointed Vincent J. Poppiti as Special Master to address disputes related to jurisdictional discovery. All discovery disputes shall be submitted first to the special master pursuant to the order of reference. The parties shall present discovery disputes to the Special Master as set forth in the Special Master Discovery Dispute Procedures dated March 24, 2005.

7. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before **January 17, 2006**.

8. Markman Hearing. A Markman Hearing will be held on **February 1, 2007 at 1:00 p.m.** Briefing on the claim construction

issues shall be completed as follows: Each party shall exchange a list of terms believed to require construction by **September 8, 2006**. Each party shall exchange proposed constructions of the disputed terms by **September 25, 2006**. The parties shall file with the Court a single chart showing each party's proposed construction of the claims at issue together with the intrinsic evidence supporting that construction on **October 13, 2006**. Opening Briefs for each party will be filed **October 27, 2006**, Response Briefs will be filed **December 15, 2006**. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

9. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **August 31, 2007**. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

10. **All Applications Or Requests For Action By The Court.**

(a) Any applications or requests to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the

Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

11. **Pretrial Conference.** A Pretrial Conference will be held on **December 5, 2007, at 1:00 p.m.**, in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware. The Federal Rules of Civil Procedure and Rule 16.4 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995) shall govern the pretrial conference.

12. **Trial.** Trial will commence at **9:30 a.m. on January 21, 2008**, in Courtroom No. 4B on the 4th Floor, United States Courthouse, Boggs Federal Building, Wilmington, Delaware.

August 18, 2005
DATE


UNITED STATES DISTRICT JUDGE